

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) Criminal No. 0315 2:20CR00383-
)
v.) 001
)
MAKSIM BOIKO,) JUDGE M. HORAN
)
Defendant.) ELECTRONICALLY FILED
)

MOTION TO CONDUCT SENTENCING HEARING BY VIDEOCONFERENCE

Defendant, through his Counsel, files the within Motion to Conduct Sentencing Hearing By Videoconference and respectfully states as follows:

1. Defendant's Sentencing Hearing is currently scheduled for DECEMBER 16, 2021.
2. Defendant has been advised of and understands his/her right to be physically present at his Sentencing Hearing and he/she is aware of this Court's Orders suspending and limiting certain court appearances due to the COVID-19 crisis; and he therefore requests his Sentencing Hearing be conducted via video pursuant to, and consistent with, the provisions contained in the CARES Act Administrative Order entered in this District on March 30, 2020 at No. 2:20-mc-466-MRH. *See also*, Misc. No. 2:20-mc-394-MRH.
3. Under these circumstances, Defendant hereby waives his right to be physically present at his Sentencing Hearing and requests leave to participate in this hearing, along with his counsel, via videoconference so that it might be expeditiously concluded.
4. Counsel has discussed this matter with Defendant, who has given his/her consent to conduct the Sentencing Hearing by videoconference, and Assistant United States Attorney CHARLES EBERLE does not oppose this request.

5. The Defendant and his/her counsel represent that the sentencing in this case cannot be further delayed without serious harm to the interests of justice.

6. Justice so requires that the Sentencing Hearing proceed in this matter in the format requested above.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter the attached Proposed Order permitting the Sentencing Hearing to be conducted via videoconference pursuant to Chief Judge Hornak's CARES Act Administrative Order entered at Misc. No. 2:20-mc-466-MRH for the reasons set forth in this Motion. *See also*, Misc. No. 2:20-mc-394-MRH.

Dated: 12/3/2021

Respectfully Submitted,

/s/ Alek El-Kamhawy

ALEK EL-KAMHAWY (0071845)

Counsel for the Defendant

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cc: All ECF Registered Counsel of Record

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Defendant.)	

[Proposed] ORDER OF COURT

And now, this ____ day of _____, 2021, upon due consideration of the instant Motion to Conduct Sentencing Hearing By Videoconference, and upon the request and consent of the Defendant, the Court finds and concludes that, for the reasons stated in the Motion, the Sentencing Hearing in this case cannot be further delayed without substantial harm to the interests of justice. Therefore, Defendant's Sentencing Hearing shall be conducted via videoconference and will occur [as previously scheduled] on _____ at _____. The instructions to connect to the sentencing hearing by video will be distributed via email to all counsel of record prior to the hearing. The Court has made arrangements with the detention center for the defendant to appear by video.

SO ORDERED this ____ day of _____, 2020.

United States District Judge

cc: All ECF registered counsel of record